
STATUTORY INSTRUMENTS

1985 No. 1203

SEA FISHERIES

The British Fishing Boats Act 1983 (Guernsey) Order 1985

Made - - - - 31st July 1985
Coming into Operation 1st October 1985

At the Court at Buckingham Palace, the 31st day of July 1985

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 10 of the British Fishing Boats Act 1983, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the British Fishing Boats Act 1983 (Guernsey) Order 1985 and shall come into operation on 1st October 1985.
2. In this Order, “the Bailiwick” means the Bailiwick of Guernsey.
3. It is hereby directed that sections 1 to 7, 9 and 11(2) of the British Fishing Boats Act 1983 shall, subject to the exceptions, adaptations and modifications specified in the Schedule to this Order, extend to the Bailiwick.

G.I. de Deney
Clerk of the Privy Council

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SCHEDULE

Article 3

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO PROVISIONS OF THE BRITISH FISHING BOATS ACT 1983 AS EXTENDED TO THE BAILIWICK OF GUERNSEY

1. Unless the contrary intention appears, any reference to an enactment shall be construed as a reference to that enactment as it has effect in the Bailiwick.

2. In section 1(2)(c), for the words “United Kingdom” there shall be substituted the word “Bailiwick”.

3. In section 1(7), for the word “Scotland” there shall be substituted the words “the Bailiwick”.

4. At the end of section 1 there shall be added the following subsections:—

“(9) Any reference to an order made by the Ministers under this section includes a reference to any such order made before the date of extension of this section to the Bailiwick and for the time being in force.

(10) No order made by the Ministers under this section shall come into force until registered in the Royal Court of Guernsey.

(11) Any order made by the Ministers under this section shall be construed, for the purposes of this Act as it has effect in the Bailiwick, as not including any part of territorial waters adjacent to the Bailiwick within any area specified for the purpose of subsection (2) (a) or (b) above, and references in this Act to a restricted fishing area shall be construed accordingly.”

5. In section 3(1), for paragraphs (a) and (b) there shall be substituted the words “the Bailiff”.

6. For section 5 there shall be substituted the following section:—

“5. Where a fine is imposed on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the court of an offence under section 1 or 4 of this Act, the court may—

(a) by order authorise Her Majesty's Sheriff to seize detain and sell the boat and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and

(b) order the boat to be detained for a period not exceeding three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such order, whichever occurs first.”

7. In section 7, for the words “United Kingdom” there shall be substituted the word “Bailiwick”.

8. In section 9—

(a) in the definition of “British fishing boat”, after the words “United Kingdom,” there shall be inserted the words “any of the Channel Islands or the Isle of Man,”; and

(b) after the definition of “British sea-fishery officer” there shall be inserted the following definition:—

““court” means the Royal Court of Guernsey or the Magistrate's Court of the Island of Guernsey;”.

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EXPLANATORY NOTE

This Order extends provisions of the British Fishing Boats Act 1983, subject to the exceptions, adaptations and modifications specified in the Schedule to the Order, to Guernsey.